

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-1289

CLAYTON BILLUPS,

Petitioner,

versus

SOUTHERN APPALACHIAN COAL COMPANY; DIRECTOR,
OFFICE OF WORKERS' COMPENSATION PROGRAMS,
UNITED STATES DEPARTMENT OF LABOR,

Respondents.

On Petition for Review of an Order of the Benefits Review Board.
(99-415-BLA, 99-415-BLA-A)

Submitted: August 29, 2000

Decided: September 18, 2000

Before WILKINS, MICHAEL, and KING, Circuit Judges.

Affirmed by unpublished per curiam opinion.

John H. Skaggs, D. Christopher Hedges, LAW OFFICES OF STUART CALWELL, Charleston, West Virginia, for Petitioner. David L. Yaussy, ROBINSON & MCELWEE, Charleston, West Virginia, Henry L. Solano, Solicitor of Labor, Donald S. Shire, Associate Solicitor, Patricia M. Nece, Edward Waldman, UNITED STATES DEPARTMENT OF LABOR, Washington, D.C., for Respondents.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Clayton Billups seeks review of the Benefits Review Board's decision and order affirming the administrative law judge's denial of black lung benefits pursuant to 30 U.S.C.A. §§ 901-945 (West 1986 & Supp. 1999). Our review of the record discloses that the Board's decision is based upon substantial evidence and is without reversible error. Accordingly, we affirm substantially on the reasoning of the Board.* See Billups v. Southern Appalachian Coal Co., BRB 99-0415-BLA & 99-0415-BLA-A (B.R.B. Jan. 14, 2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* We have considered the impact of our recent decision in Island Creek Coal Co. v. Compton, 211 F.3d 203 (4th Cir. 2000), and find it does not alter the outcome of this case.